

**JOINT RESOLUTION BETWEEN THE TOWN OF MOORHEAD AND THE CITY OF
MOORHEAD DESIGNATING AN AREA FOR ORDERLY ANNEXATION PURSUANT
TO MINNESOTA STATUTE 414.0325**

Tessa Terrace 2nd, Allyson Parkway 3rd, and ISD 152

BE IT RESOLVED by the Town of Moorhead, hereinafter referred to as "the Town", by and through its Board of Supervisors; and the City of Moorhead, hereinafter referred to as "the City", by and through its City Council, that the Town and City do hereby jointly agree to the following:

I. **Definitions**

For the purposes of this Joint Resolution the following definitions will mean:

1. City. Will mean the City of Moorhead, Minnesota, a municipal corporation duly organized and existing under the laws of the State of Minnesota, except whenever in the provisions of this document reference is made to water or electrical services, then and in that case, "City" will include within its meaning both the City of Moorhead and the Moorhead Public Service Commission, a board to which the control, management and operation of all City water and electrical systems have been committed by Section 12.02 of the Moorhead City Charter.
2. County. Will mean the County of Clay, Minnesota, a body corporate and politic duly organized and existing under the laws of the State of Minnesota.
3. Effective Date of Annexation. Will mean the date Minnesota Planning issues its order approving the annexation contemplated in the initiating Resolution.
4. Effective Date of this Joint Resolution. Will mean the date Minnesota Planning accepts this Joint Resolution for filing.
5. Initiating Resolution. Will mean this Joint Resolution adopted by the City and filed with Minnesota Planning.

6. Joint Resolution. Will mean the Joint Resolution between the Town and the City designating an area for orderly annexation pursuant to Minnesota Statute Section 414.0325.
7. Minnesota Planning. Will mean Minnesota Planning, which is created by Minnesota Statute Section 414.01.
8. Orderly Annexation Area. Will mean that area of the Town of Moorhead, Clay County, Minnesota, legally described as:

PARCEL 1 -- INDEPENDENT SCHOOL DISTRICT 152

The northern 60 acres of the Northeast Quarter of Section 29 of Moorhead Township, Township 139 N, Range 48 W, Clay County Minnesota, less Highway 75. Said tract contains 55 acres more or less.

PARCEL 2 -- ALLYSON PARKWAY 2ND

Beginning at the southeast corner of Lot 6, Block 1, KINGSFORD THIRD ADDITION to the City of Moorhead according to the plat on file in the office of the County Recorder, Clay County, Minnesota; thence on a bearing of SOUTH, assumed bearing along the west right of way line of Minnesota Trunk Highway No. 75, a distance of 612.48 feet; thence South 89°45'18" West 612.38 feet; thence North 63°32'46" West 711.69 feet to the east line of ALLYSON PARKWAY FIRST ADDITION according to the plat on file in said County Recorder's office; thence North 00°06'48" East 246.68 feet along the east line of said ALLYSON PARKWAY FIRST ADDITION to the southwest corner of KINGSFORD SECOND ADDITION according to the plat on file in said County Recorder's office; thence North 89°56'13" East 716.01 feet along the south line of said KINGSFORD SECOND ADDITION to the east line of 6TH STREET SOUTH; thence on a bearing of NORTH 50.00 feet along the east line of said 6TH STREET SOUTH to the southwest corner of said KINGSFORD THIRD ADDITION; thence north 89°56'13" East 533.00 feet along the south line of said KINGSFORD THIRD ADDITION to the point of beginning. Containing 14.46 acres. Subject to easements, restrictions, or reservations of record, if any.

PARCEL 3 -- TESSA TERRACE 3RD

A tract of land located in the fractional Southeast Quarter of Section 30, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows:

Beginning at the Southwesterly corner of A REPLAT OF TESSA TERRACE FIRST ADDITION; thence on a record bearing of North 82°5'33" East, along the southerly line of said Replat of Tessa Terrace First Addition 1371.88 feet to the

Southeasterly corner of said plat; thence South 00°00'04" East 617.36 feet; thence South 89°59'56" West 826.15 feet; thence South 34°11'09" West 81.66 feet; thence South 42°39'15" West 166.25 feet; thence South 69°02'04" West 230.59 feet; thence North 20°57'56" West 288.03 feet; thence North 36°49'23" West 205.13 feet; thence North 14°04'44" East 276.11 feet to the point of beginning. Containing 18.38 acres more or less.

And a map of which is attached as Exhibit A.

- 9 Town of Moorhead. Will mean the Town of Moorhead, a body corporate and politic, duly organized under the laws of the State of Minnesota.

II. **Population**

The population of the Orderly Annexation Area is zero and the population of the City of Moorhead will not increase as a result of annexation.

III. **Reason for Annexation**

It is specifically found that:

1. Certain Properties Urban or Suburban. Certain areas within the Town abutting upon the City are presently or are about to become urban or suburban in nature.
2. City Capable of Providing Services. City has provided or is capable of providing wastewater collection services and water distribution and is capable of providing additional municipal service to this property to adequately protect the public health, safety, and general welfare of the property.

IV. **Annexation Date**

All property within the Orderly Annexation Area will be annexed to the City upon the date that Minnesota Planning issues its order approving annexation following Minnesota Planning's acceptance of this Joint Resolution and based on the City filing an Initiating Resolution with the Board.

V. **Zoning/Subdivision/Land Use Control Regulations**

Upon the effective date of annexation, the Orderly Annexation Area will be zoned TZ, Transitional Zone, so that the entire Orderly Annexation Area will be governed by the City's comprehensive land use plan and subdivision regulations as such plan and regulations may be amended, modified or replaced from time to time.

VI. **Electric Service**

The provisions of electric service vests with the Moorhead Public Service Commission, a board to which the control, management, and operation of the City's electrical system has

been committed by Section 12.02 of the Moorhead City Charter. The policy of the Moorhead Public Service Commission and the City of Moorhead is to have the Moorhead Public Service Department provide electric service to all property located within the City of Moorhead.

VII. **No Referendum**

As all of the conditions for annexation are contained within and have been mutually agreed upon by the Town and City, at the time of annexation of the Orderly Annexation Area no referendum will be conducted.

VIII. **Modifying/Amending Joint Resolution**

The parties to this agreement concur that this agreement will not be modified or amended, nor will the stated boundaries be altered unless mutually agreed to through resolution of each party and acceptance by Minnesota Planning.

IX. **Ordering in of Annexation**

Upon receipt of an Initiating Resolution under this Joint Resolution, Minnesota Planning may review and comment, but will, within 30 days, order the annexation in accordance with the terms of this Joint Resolution.

X. **Town/City Cooperation**


The Town and City resolve to fully cooperate with Minnesota Planning in connection with this Joint Resolution and its agreements.

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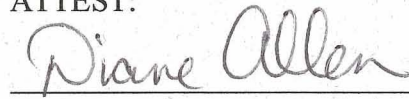
Tessa Terrace 2nd, Allyson Parkway 3rd, and ISD 152

PASSED AND ADOPTED by the **Town Board of Moorhead, Minnesota**, this 28 day of September 2002.

APPROVED BY:


ARVID LEISETH, Chairperson
Town of Moorhead

ATTEST:


DIANE ALLEN, Town Clerk
Town of Moorhead

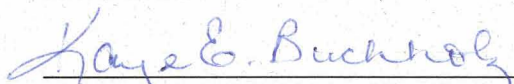
(SEAL)

PASSED by the City Council of the **City of Moorhead** this 5th day of August 2002.

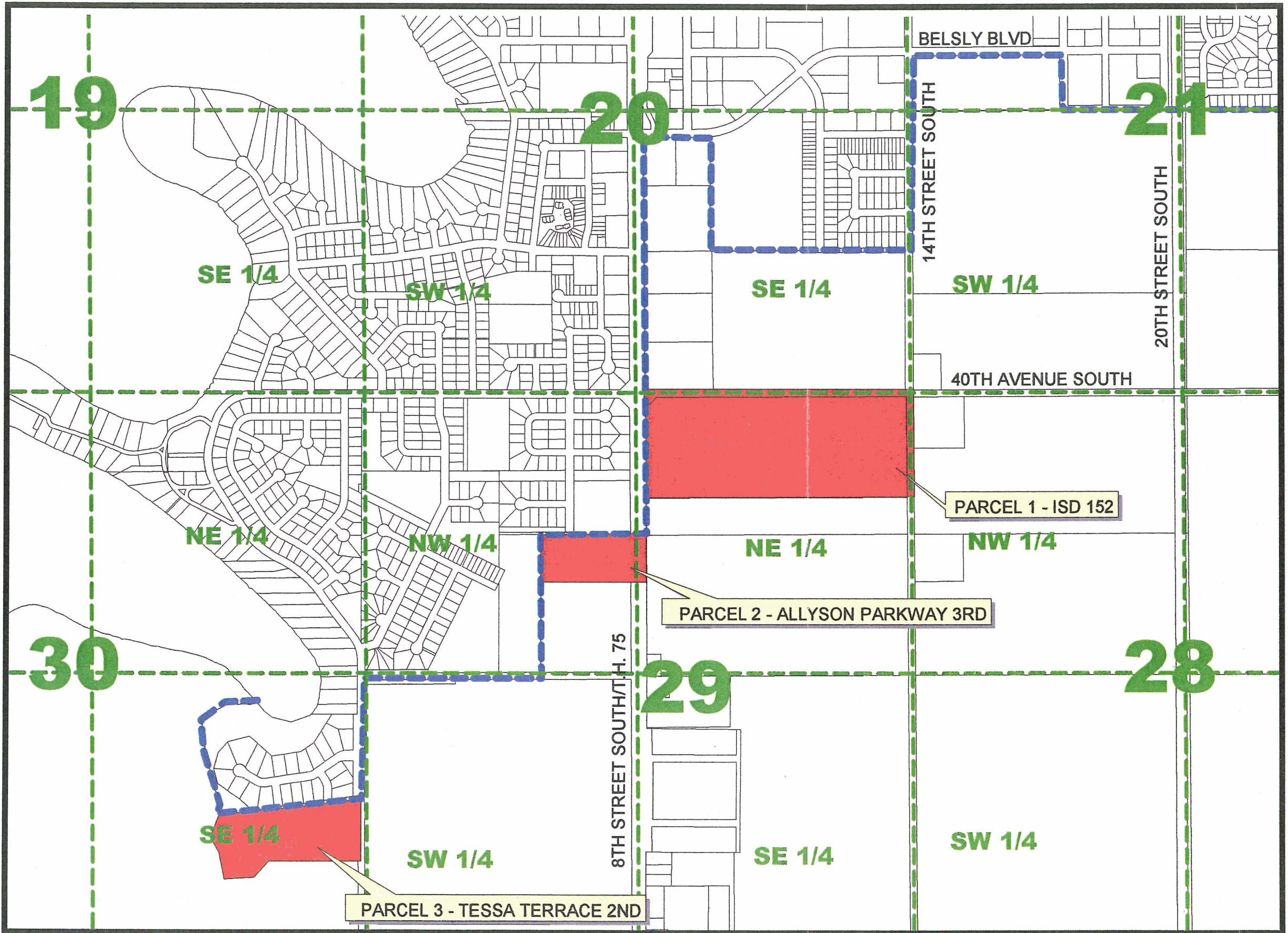
APPROVED BY:


MARK VOXLAND, Mayor

ATTEST:


KAYE E. BUCHHOLZ, City Clerk

(SEAL)



**CITY OF MOORHEAD
 MOORHEAD TOWNSHIP
 ORDERLY ANNEXATION
 AGREEMENT**

**TESSA TERRACE 2ND,
 ALLYSON PARKWAY 3RD, AND
 INDEPENDENT SCHOOL
 DISTRICT 152**



REC'D BY
 MMB
 OCT 25 2002



**DEPARTMENT OF COMMUNITY
 AND ECONOMIC DEVELOPMENT
 BOX 779
 MOORHEAD, MN 56561
 218-299-5370**